

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS - Panchayat Raj and Rural Development Department - Allegation of misappropriation of Rs. 93,973/- against Sri A.Venkateswara Rao, former Junior Assistant, MPP., Duttalur, SPSR Nellore District - Criminal case was registered - Judgement Pronounced - Dismissal from Service - Criminal Appeal No.53/2001 filed in the Hon'ble Court of the IV Additional District & Sessions Judge, Nellore - Judgment pronounced - Implement the orders of the court - Reinstatement into service, besides recovery of 50% misappropriation amount i.e.Rs. 46,986/- from the pay of the above individual - Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.RT.No. 86

Dated: 28.01.2015.
Read the following.

1. Proceedings R.C.No.A2/2458/1993, dated:22.03.1993 of the DDO., ZPP., Nellore District.
2. Judgment dated:01.03.2001 in C.C.No.61/94 of Judicial Magistrate of 1st class, Kota Nellore District.
3. Proceedings R.C.No.A2/2458/1993, dated:10.05.2001, of the CEO., ZPP., Nellore District.
4. Criminal Appeal No.53/2001 filed by Sri A.Venkateswara Rao, former Junior Assistant, MPP., Duttalur, SPSR Nellore Dist., in the Hon'ble Court of the IVth Addl Dist & Sessions Judge, Nellore Dist.
5. Govt., Memo. No.277/Vig.IV/A2/2004-4, dated:06.09.2005.
6. Judgement dated:07.02.2013 in Cr.Appeal No.53/2001 of the IVth Addl Dist & Sessions Judge, Nellore District.

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ORDER:

In the reference 1st read above, the District Development Officer was placed Sri A.Venkateswara Rao, Junior Assistant, MPP., Duttalur, SPSR Nellore District under suspension on the allegation of misappropriation of Rs. 93,973/- and a criminal case was registered at Chittamuru Police Station against the above charged officer vide CC.No.61/94.

In the reference 2nd read above, the Hon'ble Magistrate of 1st class KOTA in his judgment in CC. No.61/94 dated:01.03.2001 found that Sri A.Venkateswara Rao, Junior Assistant is guilty of the charge U/s 409 IPC and convicted him under section 248 (2) Cr.P.C and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1000/-.

Based on the above orders of the Hon'ble Magistrate of 1st class KOTA, in the reference 3rd read above, the Chief Executive Officer, ZPP., SPSR Nellore District has issued orders dismissing Sri A.Venkateswara Rao, Junior Assistant, MPP., Duttalur, SPSR Nellore District from service under rule 8 (2) (b) of AP., Civil Services Rules, 1964.

Aggrieved by the above orders, Sri A.Venkateswara Rao, Junior Assistant, MPP., Duttalur, SPSR Nellore District has filed Criminal Appeal No.53/2001 in the Hon'ble Court of the IV Additional District & Sessions Judge, Nellore District in the reference 4th read above.

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In the reference 5th read above, the Commissioner, Panchayat Raj and Rural Employment, Hyderabad was requested to recover the 50% of the misappropriation amount i.e Rs. 46,986/- from Sri A.Venkateswara Rao, Junior Assistant, MPP., Duttalur, SPSR Nellore District (Dismissed from service) under Revenue Recovery Act.

In the reference 6th read above, the Hon'ble Court of the IV Additional District & Sessions Judge, Nellore District has pronounced judgment on 07.02.2013 is as follows:

"In the result, the Criminal Appeal is allowed by setting aside the judgment in C.C.No.61/1994 dated 01.03.2001 delivered by judicial Magistrate of First Class, Kota Appellant/Accused person is found not guilty for the offence punishable/charged under Section 409 IPC and he is acquitted and his Bail-bonds are hereby cancelled. The fine amount paid by the Appellant/Accused person before the Lower Court shall be refunded to him after the expiry of Appeal Time. The unmarked cheque bearing No.788108 produced by the Accountant General before the Lower Court, shall be preserved till the expiry of Appeal Time".

After careful examination of the matter, Government have decided to reinstate Sri A.Venkateswara Rao, Junior Assistant, MPP., Duttalur, SPSR Nellore Dist., (Dismissed from service) into service as per the acquittal orders of IV Additional District & Sessions judgement in appeal No.53/2001, dated:07.02.2013 of SPSR Nellore District besides recovery of 50% misappropriation amount i.e 46,986/- (out of total misappropriation of Rs, 93,973/-) from the pay of the above individual. Accordingly, hereby order to reinstate Sri A.Venkateswara Rao, Junior Assistant, MPP., Duttalur, SPSR Nellore District (Dismissed from service) into service. The individual shall be posted to a far off place and to the non – focal post.

The Chief Executive Officer, ZPP., SPSR Nellore District shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY
SECRETARY TO GOVERNMENT (PR)

To

The Chief Executive Officer, SPSR Nellore District.
A.Venkateswara Rao, Junior Assistant, MPP., Duttalur, SPSR Nellore District
through the Chief Executive Officer, SPSR Nellore District.
The Commissioner of Panchayat Raj & Rural Employment, Hyderabad.
The District Collector(PW), SPSR Nellore District.

Copy to:-

The Secretary, A.P. Vigilance Commission, Hyderabad.
The District Panchayat Officer, SPSR Nellore District.
P.S to M(PR&RWS).
P.S to Sect (PR).
P.S to D.S (Vig).
Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER